

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

V.

JETBLUE AIRWAYS CORPORATION and
SPIRIT AIRLINES, INC.,

Defendants,

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Civil Action No. 1:23-cv-10511-WGY

**DEFENDANT JETBLUE AIRWAYS CORPORATION AND SPIRIT AIRLINES,
INC.'S MOTION IN LIMINE TO ESTOP THE DEPARTMENT OF JUSTICE FROM
TAKING INCONSISTENT POSITIONS AND TO OVERRULE OBJECTIONS**

Defendants JetBlue Airways Corporation and Spirit Airlines, Inc. (“Defendants”) move in limine to estop the Department of Justice from taking positions inconsistent with *United States v. Am. Airlines Grp. Inc.*, No. 1:21-cv-11558-LTS (D. Mass.) and to overrule the Department of Justice’s objections to the admissibility of its case briefs in that litigation. For the reasons articulated in Defendants’ Memorandum of Law in Support of Their Motion in Limine to Estop the Department of Justice from Taking Inconsistent Positions and to Overrule Objections and the Declaration of Ryan A. Shores, dated September 11, 2023, which have been filed contemporaneously herewith, the Court should grant Defendants’ motion.

Dated: September 11, 2023

Respectfully submitted,

/s/ Ryan A. Shores

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L.R. 7.1 CERTIFICATE OF CONFERENCE

I, Ryan A. Shores, hereby certify that pursuant to Local Rule 7.1, counsel for Defendants attempted to confer in good faith with counsel for Department of Justice before filing this Motion to resolve or narrow the issues but were unsuccessful in reaching a resolution to avoid this Motion.

CERTIFICATE OF SERVICE

I, Ryan A. Shores, hereby certify that on September 11, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record registered on the CM/ECF system.

DATED this 11th day of September, 2023.

/s/ Ryan A. Shores

Ryan A. Shores